

Amendments to House Bill No. 40  
1st Reading Copy

EXHIBIT 2  
DATE 1/23/09  
HB 40

Requested by Representative Jill Cohenour

For the House Natural Resources Committee

Prepared by Joe Kolman  
January 23, 2009 (9:23am)

1. Title, page 1, line 9.

**Strike:** "PROVIDING FOR" through "INFORMAL HEARING;"

2. Page 4, line 22.

**Following:** "applicant"

**Strike:** "and"

**Insert:** ", "

**Following:** "(2) (d)"

**Insert:** ", and persons who may claim standing pursuant to 85-2-308"

3. Page 6, line 20 through line 22.

**Strike:** "hearing" on line 20 through "conditions" on line 22

**Insert:** "contested case hearing, pursuant to Title 2, chapter 4, part 6, on the objection within 90 days from the date set by the department for the filing of objections"

4. Page 6, line 24 through line 25.

**Strike:** "The applicant" on line 24 through "criteria." on line 25

5. Page 6, line 26.

**Strike:** "The department shall allow for discovery."

**Insert:** "The department may extend the 90-day deadline for good cause shown or upon request of the applicant and all objectors."

6. Page 7, line 11.

**Following:** "(1)"

**Insert:** "(a)"

7. Page 7.

**Following:** line 22

**Insert:** "(b) (i) Upon request from the applicant, the department shall appoint a hearing examiner who did not participate in the preliminary determination.

(ii) The applicant may make only one request pursuant to this subsection (1) (b) for a different hearing examiner."

8. Page 8, line 2.

**Strike:** "may consider" through "conditions and"